

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Dist. of Minnesota on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 11cv01173	DATE FILED 5/5/2011	U.S. DISTRICT COURT Dist. of Minnesota
PLAINTIFF Kletschka Foundation a Minnesota Non-Profit Corp.		DEFENDANT Levitronix, LLC, a Massachusetts Limited Liability Co.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,470,208		
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

FILED 1173
ADM/TNL

RECEIVED
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
11 MAY -5 AM 8:14

KLETSCHKA FOUNDATION, a Minnesota
Non-Profit Corporation, INC.

Plaintiff,

vs.

LEVITRONIX, LLC, a Massachusetts Limited
Liability Company,

Defendant.

Case No. _____

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW the Plaintiff, Kletschka Foundation ("KLETSCHKA"), as and for its
Complaint against Levitronix, LLC ("LEVITRONIX"), states and alleges as follows:

JURISDICTION AND VENUE

1. This is an action for willful patent infringement under 35 U.S.C. 271, *et seq.*

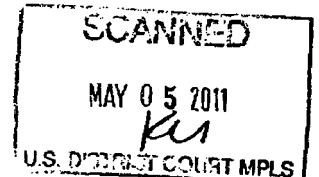
This Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. 1338(a) and 1331.

2. Venue is proper pursuant to 28 U.S.C. 1391(c) and 1400(b).

3. On information and belief, Levitronix has placed infringing products into the stream of commerce by shipping products into this District or knowing that the devices would be shipped into this District.

THE PARTIES

4. Plaintiff KLETSCHKA is a non-profit corporation in the State of Minnesota, with its registered address at 7975 Stone Creek Drive, Suite 120, Chanhassen Minnesota 55317.



KLETSCHKA promotes the advancement of medical device technology and holds a plurality of United States and foreign patents on medical devices invented by Dr. Harold Kletschka for use by the medical profession in surgical procedures.

5. KLETSCHKA is the owner of the entire right, title, and interest to United States Patent No. 5,470,208 (the "'208 patent"), entitled FLUID PUMP WITH MAGNETICALLY LEVITATED IMPELLER. The '208 patent was issued November 22, 1995 to Harold D. Kletschka. A copy of the '208 patent is attached as Exhibit A hereto.

6. Defendant, LEVITRONIX, is a Massachusetts Limited Liability Company having a principle place of business at 45 First Avenue, Waltham, Massachusetts 02451. LEVITRONIX is the worldwide leader in magnetically levitated bearingless motor technology, specializing in supplying blood pumps to the medical community and ultra-pure fluid handling devices for Microelectronics, Life Science and Industrial applications.

In particular, LEVITRONIX directly and/or through its subsidiaries and affiliates, markets and sells, as an example, the MPD-200 Pump System for use in Pharmaceutical, Biotech and Food Industries. LEVITRONIX has engaged in the sale of infringing products in the State of Minnesota.

COUNT - CLAIM FOR RELIEF AGAINST LEVETRONIX

Patent Infringement of the '208 Patent

7. KLETSCHKA repeats and realleges the allegations contained in Paragraphs 1 through 7 of this Complaint as if fully set forth herein.

8. LEVITRONIX has infringed, and continues to infringe, the '208 patent in violation of 35 U.S.C. 271(a) through their conduct with regard to the sale of magnetically levitated

impeller pump systems (including the: LEVITRONIX MPD 200; LEVITRONIX CentriMag Blood Pump; and LEVITRONIX PediVAS blood pump) as claimed by the '208 patent.

9. LEVITRONIX has infringed, and continues to infringe, the '208 patent in violation of 35 U.S.C. 271(b) by actively inducing infringement by third parties by licensing and/or offering licenses wrist rests as claimed by the '208 patent.

10. KLETSCHKA has been injured and damaged, and will continue to be injured and damaged, by LEVITRONIX's infringement of the '208 patent. LEVITRONIX's infringement of the '208 patent has caused, and will continue to cause, irreparable harm to KLETSCHKA unless and until enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff KLETSCHKA prays that judgment be granted in its favor and against LEVITRONIX:

- A. That Defendant has infringed the '208 patent pursuant to 35 U.S.C. 271;
- B. That Defendant and all parties contemplated by Rule 65(d) Fed.R.Civ.P. be preliminarily and permanently enjoined from further infringement of the '208 patent pursuant to 35 U.S.C. 283;
- C. That Defendant be ordered to account for and pay to Plaintiff the damages adequate to compensate for the infringement, but in no event less than a reasonable royalty, to which Plaintiff is entitled as a result of Defendant's infringement pursuant to 35 U.S.C. 284;
- D. That in view of Defendant's acts of willful, deliberate, and intentional infringement, such damages should be increased up to three times the amount assessed;

E. That this case be deemed exceptional and Plaintiff be awarded attorney fees pursuant to 35 U.S.C. 285;

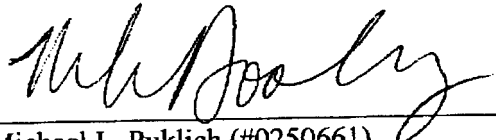
F. For an award of any and all costs and disbursements incurred in prosecuting this present action; and

G. For all other such relief as the Court deems just and equitable under the circumstances.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS WHERE JURY IS AVAILABLE.

NEATON & PUKLICH, PLLP

Dated: May 4, 2011



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